

PATENT

05-22-08

ATTORNEY DOCKET NO. CGNE.099.00USRe

#5  
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7/19/00



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Reissue Application of: Shewmaker, *et al.*

) Examiner: Not Yet Assigned

Patent No.: 5,753,475

) (Examiner David Fox in parent case)

Issued: May 19, 1998

) Art Unit: Not Yet Assigned

1638

Reissue Serial No.: Not Yet Assigned

) **REISSUE TRANSMITTAL**

09/574,946

) **PATENT APPLICATION**

Filed: May 19, 2000

For: **METHODS AND COMPOSITIONS  
FOR REGULATED TRANSCRIPTION  
AND EXPRESSION OF  
HETEROLOGOUS GENES**

**BOX REISSUE**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

1. Transmitted herewith for filing is an application for reissue of a utility patent.

a. Inventors: Christine K. Shewmaker, Catherine M. Houck,

Vic C. Knauf, Jean C. Kridl and Daniel Facciotti

b. Title of application: **METHODS AND COMPOSITIONS FOR  
REGULATED TRANSCRIPTION AND  
EXPRESSION OF HETEROLOGOUS GENES**

c. Attorney Docket No.: CGNE.099.00USRe

**CERTIFICATE OF EXPRESS MAILING**

"Express Mail" Label No.: EL637192747US

Date of Deposit: 19 May, 2000

I hereby certify under 37 C.F.R. 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C., 20231.

Jennifer Wahlsten  
(Signature) Jennifer Wahlsten  
(Printed Name)

2. Also enclosed are:

- [X] 65 sheets specification and claims (amended)
- [X] 44 sheets of [ ] informal [X] formal drawing(s).
- [ ] \_\_\_ sheets of sequence listing (paper copy).
- [X] An [ ] executed [X] unexecuted
  - [X] Reissue Oath/Declaration.
  - [ ] Reissue Declaration By Assignee.
  - [ ] Power of Attorney by Assignee.
- [X] Original U.S. Patent currently assigned
  - [X] Yes. [ ] No.
  - [X] Assignees' Assent to Reissue (unexecuted).
  - [X] 37 CFR § 3.73 (b) statement.
  - [X] Power of attorney.
- [ ] A Verified Statement to establish small entity status under 37 C.F.R. §§ 1.9 and 1.27 was previously established.
- [ ] Certified copy(ies) of \_\_\_ application number(s) \_\_\_ filed \_\_\_.
- [X] An Information Disclosure Statement.
- [ ] A preliminary amendment.
- [ ] Statement in Compliance with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence.
- [ ] A Petition for Expedited Foreign Filing License.
- [ ] A Declaration of Availability under MPEP 608.01(p)C.
- [ ] An Associate Power of Attorney.
- [ ] References Cited in Reissue Declaration.
- [X] Offer by Assignee to Surrender Original Patent (unexecuted).
- [X] Return postcard (postage prepaid).
- [ ] Request for Drawings.
- [ ] Reissue application fee transmittal form.

3.  Total filing fees are calculated as follows: \$

Claims as Filed - Part 1

<u>Claims in Patent</u>	<u>For</u>	<u>No. Filed in Reissue Application</u>	<u>No. Extra</u>	<u>Rate</u>	<u>Fee</u>	<u>Small Entity</u>	<u>Other than a Small Entity</u>
25	Total Claims (37 CFR 1.16(j))	170	145	X \$9	\$	145 X \$18	\$2610.00
5	Independent Claims (37 CFR 1.16(j))	35	30	X \$39	\$	30 X \$78	\$2340.00
Basic Fee (37 CFR 1.16(h))							\$ 690.00
Total Filing Fee							\$5640.00

Other Fees

- [ ] Assignment Recording Fee  
\_\_\_\_ Assignments @ \$40.00 each \$  
[ ] Petition for Expedited Foreign  
Filing License .....\$130.00 \$  
[ ] Other fees (list individually)

Total Other Fees: \$

**TOTAL FEES:** \$5640.00

- [X] A check including the amount of the above indicated TOTAL FEES is attached.  
[ ] Please charge Deposit account No. 18-0020 the amount of \$ .  
[ ] A check in the amount of \$ \_\_\_\_\_ is attached.  
[ ] Filing fee is deferred. Please award a filing date and serial number based upon the enclosed specification (and any drawings), under 35 U.S.C. § 111.  
[ ] No fee is required.  
[X] Conditional Petition for Extension of Time: An extension of time is requested to provide for timely filing if an extension of time is still required after all papers filed with this transmittal have been considered.

- The Commissioner is hereby authorized to charge any underpayment of the following fees associated with this communication, including any necessary fees for extension of time, or credit any overpayment to Deposit Account No. 18-0020:
- Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims.
- Any patent application processing fees under 37 C.F.R. § 1.17.
- A duplicate copy of this sheet is attached for accounting purposes.

Respectfully submitted,

Date: 19 May, 2000



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Enclosures